REMARKS

This is a full and timely response to the outstanding Final Office Action mailed December 16, 2008. Upon entry of the amendments in this response claims 1, 10, 12-19, 28, 30-36 are amended. Applicant submits that no new matter is added by these amendments. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Rejections Under 35 U.S.C. §101

The Office Action indicates that claims 1 – 18 and 28 - 36 stand rejected under 35 U.S.C. §101 as claiming allegedly that the invention is directed to non-statutory subject matter. In this regard, Applicants amend claim 1 to include a machine for executing the pre-picking unit and the matching engine. Page 8, line 21-27 of the specification reads:

> The methods and systems of the present invention, or certain aspects or portions thereof, may take the form of program code or logic (i.e., instructions) embodied in tangible media, such as floppy diskettes, CD-ROMS, hard drives, or any other machine-readable storage medium, wherein, when the program code or logic is loaded into and executed by a machine, such as a computer, the machine becomes an apparatus for practicing the invention.

The amended system in claim 1 comprises a machine, such as disclosed above. As such, Applicants respectfully assert that the rejections under 35 U.S.C. 101 to claims 1-9 have been overcome.

With respect to claims 10-18 and 28-36, these claims are amended to recite use in a computer. Support for these amendments can be found at page 8, line 21-27 of the specification, for example. Applicants respectfully assert that the rejections under 35 U.S.C. 101 to claims 10-18 and 28-36 have been overcome.

It should be noted that, as applicable, the state of an invoice is transformed, wherein a pre-picked invoice is transformed into a real invoice when the first lot indicated in the pre-picked invoice has achieved F/G (Finished Goods) status. For at least this additional reason, the

claims are also believed to recite statutory subject matter. Removal of the rejections under 35 U.S.C. 101 is respectfully requested.

II. Rejections Under 35 U.S.C. §103

The Office Action indicates that claims 1 - 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication Number 2003/0233290 ("*Yang*") in view of U.S. Publication Number 2005/0038684 ("*Wang*"). Applicants respectfully traverse the rejections.

With respect to independent claims 1, 10, 19 and 28, *Yang* and *Wang* (either individually or in combination) do not teach or suggest what the Office Action relies upon for formulating the pending rejections. In particular, *Yang* and *Wang* fail to disclose, suggest, or teach, at least the following representative features: "picking an order corresponding to a product, and picking the first lot corresponding to the same product having WIP status"; "generating a pre-picked invoice including the order and the first lot"; "periodically determining whether the first lot has achieved F/G (Finished Goods) status at a first shipping time"; and "automatically generating a first real invoice corresponding to the pre-picked invoice for the order and the first lot if the first lot has achieved F/G status".

It is understood that, in product manufacturing, an order may request a manufacturer to manufacture a specific product with a specific quantity. Additionally, different orders may request the manufacture of the same product. The products with the requested quantity may be manufactured in several lots. Based on an exemplary embodiment of Applicant's disclosure, an order corresponding to a product is first selected (picked), and at least a lot corresponding to the same product is then selected (picked). After the picking, a pre-picked invoice is generated for the selected order and lot. Thereafter, the status of the selected lot is periodically checked to determine whether the status of the selected lot is changed from the WIP status to the F/G status. Once the status of the selected lot has been changed from the WIP status to the F/G

status, the pre-picked invoice is transformed to automatically generate a real invoice for the selected order and lot. It is noted that the concept of a pre-picked invoice, and the transformation of the pre-picked invoice (automatically generating a real invoice corresponding to the pre-picked invoice for the order and the first lot if the first lot has achieved F/G status) are disclosed.

Notably, the Office Action indicates that *Yang* discloses picking an order corresponding to a product (or IC product) and at least a first lot corresponding to the product (or IC product) having WIP status in Abstract, [0024] and [0103] of *Yang*. Applicant respectfully disagrees with this contention.

In this regard, the Abstract of *Yang* is as follows:

> A global supply chain management system in an environment of multiple suppliers forming supply chains for one or more buyers connected over the Internet. The system includes a global processor with logic that maps "local" supply information for each buyer and each supplier, represented in one or more property tables having master information correlated to local information for each buyer and each supplier. The system manages processes from an input of lots to an output through supplier stages where clients each use fragmented different local information. A correlation means uses base lot indicators, one for each of the lots in common for all of said stages and executes supply chain management functions for tracking lots through the supplier stages.

Additionally, paragraph [0024] of *Yang* reads:

> Lot tracking stores the genealogy of a lot in order to track and recall the lot history quickly. This tracking is done by storing the parent-child relationship for lots. For flexible in loading the lot tracking data, work-in-progress (WIP) reports and activity-based transaction reports (TR) are used.

Paragraph [0103] of Yang reads "Status of a Lot Inconsistent with WIP Quantity."

It is noted that, lot tracking disclosed in [0024] of *Yang* means the relationships between the lots (parent lots and child lots). However, as set forth above, the picking relevant to Applicant's claims is between an order and lots corresponding to the same product. Thus, the disclosure of *Yang* is not relevant to the pending claims. Additionally, Applicant cannot find any evidence or relation corresponding to the claimed feature of "picking an order corresponding to

a product, and picking the first lot corresponding to the same product having WIP status" from the teachings of *Yang*.

Further, the Office Action indicates that *Wang* discloses picking an order corresponding to a product and at least a first lot corresponding to the product to generate a pre-picked invoice including the order and the first lot in [0052]. Notably, paragraph [0052] of *Wang* discloses:

> After the products are manufactured, the warehouse/delivery unit 126 forwards the products to the customer 111 or other factories as specified by the customer 111. It should be noted that the warehouse/delivery unit 126 may perform automatic pick, pre-pick, and other functions to allow the customer to change the specified location and factory before the products are transferred.

Applicant respectfully asserts that only a term "pre-pick" is present in *Wang* without further detail. It is noted that, the instant application and *Wang* belong to the same assignee. As such, it is clearly understand that no more detail and concept for picking an order corresponding to a product, and picking the first lot corresponding to the same product having WIP status is disclosed in *Wang*. Additionally, *Wang* does not disclose the concept of pre-picked invoice.

Paragraph [0202] of Yang discloses "Completed but Invoice Not Approved--WIP status is completed, invoice is received and waiting for approval". It is noted that, Yang only discloses when WIP status is complete, an invoice is received. However, the concept of two invoices (pre-picked invoice and real invoice) is not disclosed.

A. Claim 1 is Allowable Over *Yang* in view of *Wang*

Claim 1 recites:

> Claim 1: A system of order fulfillment, comprising:
> a machine executing:
> a pre-picking unit ***picking an order corresponding to a product, receiving information regarding at least a first lot corresponding to the same product having WIP (Work In Process) status from an MES***, and ***picking at least a first lot corresponding to the same product having WIP status to generate a pre-picked invoice including the order and the first***

lot, wherein the first lot having WIP status representing the first lot is currently manufactured; and

a matching engine to ***periodically determine whether the first lot has achieved F/G (Finished Goods) status at a first shipping time***, and, if so, ***to automatically generate a first real invoice corresponding to the pre-picked invoice for the order and the first lot***.

(Emphasis added).

The cited art is legally deficient for the purpose of rendering claim 1 unpatentable because the cited art (either individually or in combination) does not teach or reasonably suggest at least the limitations emphasized above in claim 1. Therefore, Applicant respectfully requests that the rejection be removed and that independent claim 1 be placed in condition for allowance.

B. Claim 10 is Allowable Over *Yang* in view of *Wang*

Claim 10 recites:

Claim 10: A method of order fulfillment for an IC foundry, for use in a computer, comprising the steps of:

picking an order corresponding to an IC product by the computer;

receiving information regarding at least a first lot corresponding to the same IC product having WIP (Work In Process) status from an MES by the computer, wherein the first lot having WIP status representing the first lot is currently manufactured;

picking the first lot corresponding to the same IC product having WIP status by the computer;

generating a pre-picked invoice including the order and the first lot by the computer;

periodically determining whether the first lot has achieved F/G (Finished Goods) status at a first shipping time by the computer; and

automatically generating a first real invoice corresponding to the pre-picked invoice for the order and the first lot if the first lot has achieved F/G status by the computer.

(Emphasis added).

The cited art is legally deficient for the purpose of rendering claim 10 unpatentable because the cited art (either individually or in combination) does not teach or reasonably suggest at least the limitations emphasized above in claim 10.

Therefore, Applicant respectfully requests that the rejection be removed and that independent claim 10 be placed in condition for allowance.

C. **Claim 19 is Allowable Over *Yang* in view of *Wang***

Claim 19 recites:

> Claim 19: A machine-readable storage medium storing a computer program which when executed causes a computer to perform a method of order fulfillment, comprising the steps of:
> picking an order corresponding to a product by the computer;
> receiving information regarding at least a first lot corresponding to the same product having WIP (Work In Process) status from an MES by the computer, wherein the first lot having WIP status representing the first lot is currently manufactured;
> picking the first lot corresponding to the same product having WIP status by the computer;
> ***generating a pre-picked invoice including the order and the first lot;***
> ***periodically determining whether the first lot has achieved F/G (Finished Goods) status at a first shipping time;*** and
> ***automatically generating a first real invoice corresponding to the pre-picked invoice for the order and the first lot if the first lot has achieved F/G status.***

(Emphasis added).

The cited art is legally deficient for the purpose of rendering claim 19 unpatentable because the cited art (either individually or in combination) does not teach or reasonably suggest at least the limitations emphasized above in claim 19. Therefore, Applicant respectfully requests that the rejection be removed and that independent claim 19 be placed in condition for allowance.

D. Claim 28 is Allowable Over *Yang* in view of *Wang*

Claim 28 recites:

> Claim 28: A method of order fulfillment for use in a computer, comprising the steps of:
> picking an order by the computer;
> receiving information regarding at least a first lot having WIP (Work In Process) status from an MES by the computer, wherein the first lot having WIP status representing the first lot is currently manufactured;
> picking the first lot having WIP status by the computer;
> ***generating a pre-picked invoice including the order and the first lot by the computer;***
> ***periodically determining whether the first lot has achieved F/G status at a first shipping time by the computer;*** and
> ***automatically generating a first real invoice corresponding to the pre-picked invoice for the order and the first lot if the first lot has achieved F/G (Finished Goods) status by the computer.***

(Emphasis added).

The cited art is legally deficient for the purpose of rendering claim 28 unpatentable because the cited art (either individually or in combination) does not teach or reasonably suggest at least the limitations emphasized above in claim 28. Therefore, Applicant respectfully requests that the rejection be removed and that independent claim 28 be placed in condition for allowance.

E. Claims 2-9, 11-17, 20-27 and 29-35 are Allowable Over *Yang* in view of *Wang*

The Office Action indicates that claims 2 – 9, 11 – 17, 20 – 27 and 29 – 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Yang* in view of *Wang*. Applicants respectfully traverse the rejections for at least the reason that *Yang* in view of *Wang* fails to disclose, teach, or suggest all of the elements of claims 2 – 9, 11 – 17, 20 – 27 and 29 – 35. More specifically, dependent claims 2 - 9 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 11 - 17 are believed to be allowable for at least the reason that they depend from allowable independent

claim10. Dependent claims 20 - 27 are believed to be allowable for at least the reason that they depend from allowable independent claim 19. Dependent claims 29 - 35 are believed to be allowable for at least the reason that they depend from allowable independent claim 28. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002). Additionally, these claims recite other features that can serve as independent bases for patentability.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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